

**FILED**

**JUN 19 2006**

**NOT FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS**

**CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

TALA PRESLEY,

Plaintiff - Appellant,

v.

JO ANNE B. BARNHART,  
Commissioner of Social Security,

Defendant - Appellee.

No. 04-56853

D.C. No. CV-04-03088-CT

MEMORANDUM<sup>\*</sup>

Appeal from the United States District Court  
for the Central District of California  
Carolyn Turchin, Magistrate Judge, Presiding<sup>\*\*</sup>

Submitted June 12, 2006<sup>\*\*\*</sup>

Before: WALLACE, KLEINFELD, and BERZON, Circuit Judges.

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<sup>\*</sup> This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> The parties consented in writing to proceed before a magistrate judge.

<sup>\*\*\*</sup> The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Tala Presley appeals pro se from the district court's judgment affirming the decision of an Administrative Law Judge ("ALJ") determining that Presley was not entitled to benefits greater than the amount calculated by the Social Security Administration. We have jurisdiction under 28 U.S.C. § 1291. We review de novo the district court's order upholding the ALJ's decision, and we review for substantial evidence the ALJ's decision. *Batson v. Comm'r of the Soc. Sec. Admin.*, 359 F.3d 1190, 1193 (9th Cir. 2004). We affirm.

Substantial evidence supports the ALJ's determination that Presley received the correct monthly disability benefit amount. On appeal, Presley does not challenge the evidence supporting the ALJ's decision; rather, she contends that she should be entitled to the higher benefit amount she obtained using an online benefit calculator on the Social Security Administration's website. As the district court explained, however, Presley's online calculation is not reliable. Among other things, Presley calculated her retirement benefits, not her disability benefits, and her calculation was based on an "indexing year" different from Presley's correct "indexing year" of 1993. *See* 20 C.F.R. § 404.211(d)(1)(ii) (a claimant's indexing year is the second year before the year in which the claimant became disabled).

**AFFIRMED.**